

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

CYTOLOGIX CORPORATION,

Plaintiff,

v.

VENTANA MEDICAL SYSTEMS, INC.,

Defendant.

Civil Action No. 04-11783 (RWZ)

**ASSENTED-TO MOTION OF DEFENDANT VENTANA MEDICAL SYSTEMS, INC.  
FOR LEAVE TO FILE A REPLY MEMORANDUM IN SUPPORT OF ITS  
MOTION TO DISMISS FOR LACK OF JURISDICTION, AND TO IMPOUND**

Pursuant to Local Rule 7.1(B)(3), defendant Ventana Medical Systems, Inc. hereby requests leave of this Court to file a reply memorandum in support of its Motion to Dismiss for Lack of Jurisdiction. As grounds for this motion, Ventana submits that a reply memorandum will assist the Court in determining the matters raised by the underlying motion and opposition. The parties have mutually consented to reply briefs on all motions, provided the Court so allows. *See* Joint Statement Pursuant to FRCP 26(f) and Local Rule 16.1(d), § II.B (Nov. 28, 2005) (Docket No. 40). Therefore, the motion for leave should be granted.

In addition, pursuant to Local Rule 7.2 and this Court's order of December 1, 2005, Ventana hereby moves the Court for an order impounding the reply memorandum. As grounds for this motion, Ventana states that the reply memorandum includes information designated as "Confidential Information" by plaintiff under the terms of the Stipulated Protective Order. The designated materials concern certain corporate transactions entered into by the plaintiff.

Pursuant to this Court's order of December 1, 2005, Ventana has lodged the reply memorandum with the Court under seal, with the "Confidential Information" indicated.

The impoundment sought herein should continue until sixty days after entry of final judgment in this case. Thereafter, the materials shall be returned to counsel for Ventana, who shall return or destroy the confidential materials in accordance with the terms of the Stipulated Protective Order filed in this case.

Dated: March 16, 2007

VENTANA MEDICAL SYSTEMS, INC.

By its attorneys,

/s/ Roger J. Chin

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**LOCAL RULE 7.1(A)(2) CERTIFICATION**

Counsel hereby certifies, in accordance with Local Rule 7.1(A)(2), that prior to filing this paper the parties have conferred and attempted in good faith to resolve or narrow the issues presented herein. Plaintiff has assented to this motion for leave to file a reply memorandum and to impound.

/s/ Roger J. Chin

Roger J. Chin

**CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on March 16, 2007.

/s/ Roger J. Chin

Roger J. Chin